

MCN

11-4029SAG

AFFIDAVIT

I, John F. Oakey, being duly sworn, depose and state that:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since August 2003. As an ATF Special Agent, one of my primary duties is the enforcement of the federal firearms laws and I have participated in numerous firearms-trafficking investigations. Prior to my employment with ATF, I served as a police officer and detective with the Chesapeake (Virginia) Police Department for seven and one half years and had over twenty-four years of active and reserve military service with the United States Navy. I have written and/or participated in the execution of numerous federal and state search warrants. I have conducted investigations into the unlawful possession of firearms, possession of controlled substances, possession with the intent to distribute, and distribution of controlled substances, and their associated conspiracies in violation of 21 U.S.C. §§ 841(a)(1) and 846. In addition, I hold a Bachelor of Arts and Master of Public Administration degrees from Old Dominion University.
2. I have received information in this affidavit in part from other sources, as to those identified as law enforcement employees, I am aware they have training and experience in criminal investigations; I have worked with them in the past and have found their information to be reliable and accurate.
3. The information set forth herein is based upon my personal knowledge and observations and the experience of other law enforcement agents/officers with whom I have worked with during the course of this investigation and on information obtained from my review of investigative reports, intelligence reports, as well as my consultation with witnesses, other officers and investigators and who participated in this investigation. I have not included all of the information known to investigators in this affidavit.
4. I make this Affidavit in support of a criminal complaint charging the defendant John Steven Thomas with possession of a firearm by a previously convicted person in violation of 18 U.S.C. § 922(g)(1). As discussed below, there is probable cause to believe that the defendant, having been convicted of a crime punishable by more than one year imprisonment, knowingly possessed a firearm, in commerce, on May 12, 2011.
5. On May 12, 2011 at approximately 7:02 p.m., Baltimore Police Department (BPD) Detective (Det.) Adam Lewellen and Det. Charles Sills were working a plain clothes detail in the 1400 block of N. Luzerne Avenue (Baltimore City) wearing outer vests bearing the word 'POLICE' on the front and back operating an unmarked police vehicle. While approaching the 2600 Block of E. Hoffman Street, the detectives were approached by two civilian females, who were waving their arms and pointing. The women stated to the detectives that, "That man just robbed me!", and pointed to a male, bald, wearing a red t-shirt, blue pants and facial hair on his chin (later identified as the defendant John Steven Thomas). Detective Lewellen observed Thomas run away from the detectives east on E. Hoffman Street carrying a large black purse in his left hand and a dark colored handgun in his right hand. As Det.

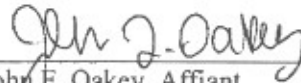
Lewellen and Det. Sills gave chase in their vehicle, Det. Lewellen observed Thomas drop a dark colored square shaped object to the ground (object later identified as a wallet belonging to one of the aforementioned civilian females). Det. Lewellen continued a foot pursuit of Thomas through an alley in the 2600 block of East Hoffman Street and as he ran into the 2600 block of Avenue, Det. Sills observed Thomas still holding the dark colored handgun in his right hand and large black purse in his left hand. Det. Sills then observed Mr. Thomas throw the purse to the ground in the 1300 block of N. Lakewood Avenue and observed Thomas throw the handgun to the ground in the alley behind 1301 N. Lakewood Avenue. BPD Det. Andrew Wiman stood by the firearm, while Det. Sills returned to his vehicle to look for Thomas.

6. BPD Det. Antwaine Jones was assisting in a canvas of the area search for Thomas, when he was approached by a civilian male, who told Det. Jones that a black man wearing a red t-shirt and blue pants entered the back door of the civilian male's residence on 2713 E. Hoffman Street, run through the house while taking off the red t-shirt, drop it on his inside stairway, and then exit out of the front door of the residence wearing a white t-shirt. Det. Jones relayed the update via police radio as Det. Sills was driving near a playground in the 2800 block of E. Hoffman Street, where he observed Thomas wearing a white t-shirt and blue pants. Det. Sills observed Thomas push a child off of a bicycle and then ride the bicycle east in the 2800 block of E. Hoffman Street a short distance before being apprehended by Det. Sills and Det. Dane Hicks.
7. The detectives assembled the victims and witnesses to the robbery. A street identification ('show up') was conducted in which one of the civilian female victims identified John Steven Thomas as the man who robbed her. That female advised the detectives that she was sitting on the steps in front of 1340 N. Luzerne Avenue with other civilians, when Thomas approached the group and asked them if anyone needed their car washed. When the victims told Thomas that they did not own a car, Thomas reached into his right hip waistband area and retrieved a dark colored semi-automatic pistol, pointed at those seated there and stated, "Give me everything you got." The civilian female stated that Thomas then grabbed her purse from the front steps of the residence, briefly enter the residence (quickly looking around) and then flee on foot before the civilian female approached Det. Lewellen and Det. Sills to report the crime.
8. Det. Sills also confirmed that Thomas, the man who was arrested, was the man the detective had seen drop the firearm and the purse during the chase.
9. The loaded firearm that Thomas discarded was recovered by Det. Lewellen and is described as follows: One (1) Star Firearms, Super Model, 9mm semi-automatic pistol, serial number 925206. ATF Special Agent David Collier, a firearms nexus examiner, examined this firearm and determined that it was a firearm that was manufactured outside the State of Maryland. Examination of the weapon indicates that it does appear to be capable of expelling a projectile by the action of an explosive.
10. Prior to May 12, 2011, the defendant had been convicted in a court of the state of Maryland of a crime punishable by a term of imprisonment exceeding one year.

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11. Based on the foregoing, there is probable cause to believe that John Steven Thomas has engaged in violation of Title 18, United States Code, Section 922(g)(1) (possession of a firearm after having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year).



John F. Oakey, Affiant
Special Agent

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Subscribed and sworn before me,

this 21st day of September, 2011.



THE HONORABLE STEPHANIE A. GALLAGHER
UNITED STATES MAGISTRATE JUDGE